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Preparations for the tenth anniversary of the International Year of the Family in 2004

Report of the Secretary-General

Summary

The present report has been prepared in response to General Assembly resolution 56/113 of 19 December 2001. The report describes the state of preparation for the observance of the tenth anniversary of the International Year of the Family in 2004 at the global, regional and national levels. It provides information on salient activities and experiences of the United Nations system, Member States and non-governmental organizations. It also includes recommendations for a successful observance of the anniversary.

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I. Introduction

1. This is the fifth biennial report on preparations for the observance of the tenth anniversary of the International Year of the Family in 2004, prepared pursuant to General Assembly resolution 56/113 of 19 December 2001. In that resolution, the Assembly requested the Secretary-General to report to it at its fifty-seventh session on appropriate ways and means to observe the tenth anniversary of the International Year of the Family in 2004 and to describe the state of preparation for the observance of the tenth anniversary at all levels.

2. The present report is based both on responses to a note verbale from the Secretary-General dated 22 February 2002 addressed to Governments and on information made available by Governments to the Secretariat. It should be read in conjunction with the report of the Secretary-General entitled "Follow-up to the International Year of the Family in 2004" (E/CN.5/2002/2), submitted to the fortieth session of the Commission for Social Development. That report described recent initiatives undertaken at the international level related to preparations for the observance of the anniversary in 2004. In addition, a basic approach for observing the tenth anniversary at all levels and suggestions for follow-up actions were developed.

II. Actions at the international level

A. Commission for Social Development

3. At its fortieth session (11-21 February 2002), the Commission for Social Development reviewed the report of the Secretary-General entitled "Follow-up to the International Year of the Family in 2004" (E/CN.5/2002/2). It recommended to the Economic and Social Council for adoption draft resolution E/CN.5/2002/L.3, entitled "Preparations for the observance of the tenth anniversary of the International Year of the Family". In the terms of that draft resolution, member Governments would agree to the invitation to establish national mechanisms to prepare for, observe and follow up the tenth anniversary. In addition, the Secretary-General would be invited to launch the tenth anniversary in early December 2003. It would also be decided that the General Assembly should devote one plenary meeting to the observance of the tenth anniversary at its fifty-ninth session.

4. During the session, representatives of Governments expressed considerable interest in the observance of the tenth anniversary. All delegations followed the preparations for it closely. Various countries announced the establishment of national coordinating committees (Republic of Korea, Russian Federation, Suriname, Thailand and Zambia).

B. Second World Assembly on Ageing

5. The United Nations Second World Assembly on Ageing was held in Madrid from 8 to 12 April 2002, to respond to the rapid ageing of populations during the twenty-first century and to promote a "society for all ages". In its resolution 54/262 of 25 May 2000, the General Assembly decided to convene the Second World Assembly on Ageing, 20 years after the first World Assembly on Ageing was held in

Vienna, to adopt a revised International Plan of Action on Ageing, organized according to three priority directions: older persons and development, advancing health and well-being into old age and ensuring enabling and supportive environments. In addition, special emphasis was given to measures to mainstream ageing within the context of current global development agendas; appropriate forms of public and private partnerships at all levels to build a society for all ages; and measures to strengthen the solidarity between generations. One hundred and fifty-six Member States, more than 800 non-governmental organizations and numerous intergovernmental organizations participated.

6. The topic of the family was central to the deliberations of the Assembly. Care of older persons by the family and family support structures were major issues that were debated. The Second World Assembly on Ageing adopted a Political Declaration and the Madrid International Plan of Action on Ageing 2002, which committed Governments to act to meet the challenge of ageing populations and provided a set of 239 concrete recommendations. Of the 131 paragraphs of the Plan of Action, 31 make specific reference to families.

C. Special session of the General Assembly on children

7. At the final meeting of its special session on children, held in New York from 4 to 10 May 2002, the General Assembly adopted the outcome document, entitled "A world fit for children" which contains a Declaration and a Plan of Action. Topics such as trafficking in children, child prostitution, child pornography, child labour, the disparity between boys and girls in access to education, and female genital mutilation were tackled. Many Governments highlighted their family-related policies that provide an environment conducive to the positive development of children.

D. General Assembly and Economic and Social Council

8. The deliberations on the tenth anniversary of the International Year of the Family at the 2001 substantive session of the Economic and Social Council, as well as those during the fifty-sixth session of the General Assembly, are cited in document E/CN.5/2002/2.

E. Department of Economic and Social Affairs

9. As the lead entity for the tenth anniversary of the International Year of the Family in 2004, the Department of Economic and Social Affairs has concentrated its efforts since 2001 on a four-pronged approach: (a) taking the programme, strategy and objectives of the tenth anniversary to the national level; (b) strengthening channels of communication between the Department and the United Nations system, the non-governmental sector and intergovernmental organizations; (c) enhancing research capacity for family policy development; and (d) servicing relevant intergovernmental bodies.

10. With regard to actions at the national level, the Department has promoted the establishment of national coordination mechanisms or other bodies and assisted

Member States, at their request, in establishing national priorities concerning families, as well as in initiating specific action programmes for the tenth anniversary. In this connection, the Family Unit web site (http://www.un.org/esa/socdev/family/index.html), the bimonthly web-based circular *Family Matters*, and the United Nations Trust Fund on Family Activities are vital instruments for garnering needed support and for disseminating information to the national and grass-roots levels.

11. To strengthen channels of communications, the Department has continued to promote collaborative efforts within the United Nations system, as well as with Governments, intergovernmental organizations and non-governmental organizations to enhance their active participation. Various Governments have received relevant information and have been provided with policy guidance about the approaches and strategies for the tenth anniversary. Cooperative efforts have been initiated with the Caribbean Community Secretariat, the Organization of African Unity, the Organization of American States, the International Organization for Migration, the Association of South-East Asian Nations, the Organization of the Islamic Conference, the Council of Europe, the Commonwealth Secretariat and the League of Arab States. For example, the Organization of African Unity requested its Member States to establish national mechanisms for the anniversary and envisages a regional meeting in 2003, which would elaborate an African "charter on the family". Furthermore, in 2001 the Council of Europe set up a new body called the Forum for Children and Families, which will focus on the tenth anniversary. The Directorate of Human and Social Development within the Caribbean Community Secretariat is conducting a review of family themes and is devising an integrated approach to the tenth anniversary.

12. To initiate a research capacity for family policy development as a contribution to the observance of the tenth anniversary, the Department has embarked on three specific, novel initiatives: (a) the establishment of an inter-university network on family policy development;[1] (b) the preparation of a global study on regional trends; and (c) continuing the ongoing research work of the Family Unit. With regard to the inter-university network, there is a need to increase cooperation between numerous institutions of higher learning in respect of family policy development, streamlining and delineating main substantive themes.

13. With the cooperation of the Regional Commissions,[2] five major trends have been identified that have transformed families to a considerable degree. In the last 50 years, family life worldwide has been transformed by (a) changes in family structure (smaller households, delayed marriage and childbearing, and increased rates of divorce and single-parenthood); (b) increased migration; (c) demographic ageing; (d) the HIV/AIDS pandemic; and (e) the impact of globalization on families. Such transformations have had a manifest impact on the capacity of families to perform social functions such as the socialization of children, caregiving for younger and older generations and creating social capital. These trends place a heavy burden on family members and challenge their ability to fulfil basic functions of production, reproduction and socialization. A report on these topics will be presented to the General Assembly at its fifty-ninth session, in 2004.

14. As part of its regular programme of work, the Department finalized two research studies on family issues, entitled "Families affected by HIV/AIDS in selected countries" and "Indicators and statistics for family well-being". These

studies encourage reflection on the types of strategies and policy options available and enhance capacity for improving the conditions of families. It is expected that they will become available shortly.

15. The servicing of relevant intergovernmental bodies, particularly the Commission for Social Development, the Economic and Social Council and the General Assembly, is important, as these bodies are barometers for measuring interests and intentions, as well as the source of mandates emanating from Governments. The intergovernmental bodies have been provided with reports on the preparations for the tenth anniversary (E/CN.5/2001/4 and E/CN.5/2002/2).

16. The United Nations Trust Fund on Family Activities, as an instrument to further the implementation of International Year of the Family objectives, continues to provide Governments and non-governmental organizations with critical seed-money grants to reinforce family-related concerns in development projects and programmes. Special attention is given to least developed countries and developing countries, as well as to countries with economies in transition (see E/CN.5/2002/2).

17. On 15 May 2002, the annual International Day of Families was observed. The theme for the International Day in 2002 was "Families and Ageing: Opportunities and Challenges", in the context of the Second World Assembly on Ageing. The Secretary-General, in his message, highlighted the changing demographics and many challenges facing families. He also pointed out that families are the key to socializing and educating younger generations and to providing care and support for older generations. To commemorate the Day at United Nations Headquarters, the Department invited eminent persons to a panel discussion on the Madrid International Plan of Action on Ageing and its importance for families; changing family structures and ageing; and consideration of the role of families in ageing societies. The New York NGO Committee and the Department of Public Information were co-sponsors of the event.

F. United Nations system

18. The objectives and strategy of the tenth anniversary have been supported by concerned United Nations agencies and bodies, including especially the Regional Commissions. In this regard, new activities are being developed by individual organizations, including the development of networks at the regional and national levels. Concerned United Nations bodies and agencies have also coordinated their activities with Governments in order to encourage and/or strengthen national and local initiatives, policies and programmes for families. In many cases such coordination entails the provision of technical, substantive and material support to ministries responsible for families and to related institutions, the promotion of technical cooperation activities benefiting families at the national level, and the provision of advisory services to Governments at their request.

19. The United Nations Development Programme (UNDP) promotes an enabling environment for sustainable human development. This focus is strongly linked to family issues through policy and programming initiatives to promote poverty eradication and sustainable livelihoods, environmental regeneration, good governance, gender equality and the advancement of women. The range of UNDP country activities, carried out in close cooperation with agencies of the United Nations system, are closely linked to family issues, gender equality and the

advancement of women, and include the following: measuring the role of women in societies; empowerment of women in economic and political decision-making processes; capacity development for gender analysis and for gender equality practices; legislation to combat violence against women; and poverty eradication programmes.

Regional Commissions

20. The five Regional Commissions continue to be key players in the preparations for the tenth anniversary. Since 2001, they have interacted with various national authorities and with civil society on family issues. They continue to serve three important functions with respect to the preparations for the tenth anniversary: as providers of information on salient family experiences; as facilitators for regional cooperation efforts in the family field in their respective regions; and as forums for articulating regional perspectives on family issues, including through the organization of regional-level preparations for the tenth anniversary.

21. The Economic and Social Commission for Western Asia (ESCWA), the Economic Commission for Latin America and the Caribbean (ECLAC), the Economic and Social Commission for Asia and the Pacific, the Economic Commission for Europe (ECE) and the Economic Commission for Africa intend to hold informal consultations at the regional level with representatives of relevant United Nations bodies and agencies and regional and non-governmental organizations. These consultations are directed towards an exchange of information on and coordination of promotional activities for the tenth anniversary. ECLAC has created a link from its home page to the web site of the Family Unit of the Department of Economic and Social Affairs. In the area of research and information exchange, ESCWA concentrates on, among other things, the empowerment of families, ECLAC on domestic violence and ECE on family formation and behaviour.

Specialized agencies

22. The Food and Agriculture Organization of the United Nations (FAO) is active on family issues within its broad mandate on food security, food production and rural development. In November 2001, FAO adopted the Third Plan of Action on Gender and Development, which addresses the capacity of family members, women and men alike, to achieve both sustainable livelihoods and household food security. In December 2001, FAO organized a technical meeting to focus on mitigating the negative effects of the HIV/AIDS epidemic on farmers, rural families and farm households.

23. The International Labour Organization (ILO) improves the lives of families through standard setting, research and studies, organization of meetings, and technical cooperation. It will launch an advocacy programme to encourage Governments to develop responsive policies and programmes to assist workers in reconciling the competing demands of professional and family life. A report will be published in 2003 on the responses to the work/family challenge in developing and transitional economies. ILO is emphasizing the Convention concerning Workers with Family Responsibilities, 1981 (No. 156), during the lead-up to 2004.

24. The United Nations Educational, Scientific and Cultural Organization, in the framework of the tenth anniversary, inter alia, takes stock of and reviews national

family support policies and organizes regional consultation meetings in selected regions.

25. The World Health Organization (WHO), which has a cluster on family and community health, promotes the concept that it is within the family that the best opportunities for promoting the health, development and well-being of the individual are found. The most successful family programmes comprise an integrated combination of activities related to health, nutrition, child development and education. WHO supports the notion that broader access to information and communication skills within families are key elements for childcare, care of the elderly, women's health care, household food security, adolescent health and family planning.

III. Actions at the national level

26. There is recognition by many Governments that the tenth anniversary is, in the context of development, an important global initiative to draw renewed attention to International Year of the Family objectives and to undertake concerted actions to strengthen family-centred policies and programmes within national development planning (e.g., in Barbados, Benin, Burkina Faso, Cameroon, Croatia, the Czech Republic, the Gambia, Guatemala, Mali, Mongolia, Namibia, Nigeria, the Russian Federation, Saint Lucia, Spain and the United Republic of Tanzania). Various Governments are developing family-enhancing employment policies that enable both male and female workers to achieve a satisfactory balance between work and family responsibilities.

27. Numerous Governments have established, or are in the process of establishing, a national coordination mechanism to deal with the planning and effective observance of the tenth anniversary. These mechanisms are sensitizing public opinion on family-related issues, mobilizing resources from the private and public sectors for the implementation of tenth-anniversary programmes and facilitating channels of communication through the dissemination of information between government and family-related non-governmental organizations.

28. Various Governments have initiated family legislation and codes to ensure that such legislation is non-discriminatory and respects the human rights of all family members (e.g., in Ecuador, Egypt, Japan, Jordan, Mauritius, Morocco, the Republic of Korea, Thailand and New Zealand).

29. Within the context of the tenth anniversary, numerous Governments are promoting gender equality in the family and intend to adopt laws, regulations and other measures to that effect. Several Governments have taken measures to ensure equal access of women and men to employment, education and job training and to encourage the sharing of domestic responsibilities (e.g., in Belarus, Denmark, Estonia, Finland, Germany, Iceland, Malaysia, Mauritius, the Netherlands, Norway, Senegal, Singapore and Slovakia). In Japan, a Gender Equality Bureau was created within the Prime Minister's Office, as well as a new Council for Gender Equality. In 2001 the Republic of Korea created a Ministry of Gender Equality, responsible for planning and coordinating policies for women, promoting gender equality and taking measures to eliminate violence against women. In Antigua and Barbuda, a country research programme is planned with respect to abused women and children.

30. As at 24 June 2002, responses to the note verbale sent by the Secretary-General to Member States on 22 February 2002 had been received from Burkina Faso, Chile, the Czech Republic, Ecuador, Egypt, Finland, Italy, Jordan, Mauritius, Morocco, New Zealand, the Philippines, Romania, Slovakia, the Sudan, Thailand and Turkey.

31. From those responses, it appears that the tenth anniversary of the International Year of the Family is gaining support and is attracting a growing number of partners at all levels. Measures at the national level include the setting up of national coordinating mechanisms, elaboration of national programmes of action and identification by Governments of focal points for the anniversary. Major elements of national programmes for the anniversary year include awareness-raising, streamlining old policies and programmes and developing new ones, improving the socio-economic conditions of families through legislation and other means, enhancing the rights and well-being of family members and dealing with specific issues of direct relevance to families.

32. Thus, in Burkina Faso, the Ministry of Social Action and National Solidarity is responsible for the observance of the tenth anniversary. The Government has paid attention to issues of poverty, family rights and responsibilities and the role of education in family life.

33. Chile has created a body called the National Service for Women, which is responsible for family-related policies. During the last two years, it has coordinated an Inter-Ministerial Commission that has, among other things, designed a Policy and Plan of Action for Families.

34. In the Czech Republic, a new department for family policy was established within the Ministry of Labour and Social Affairs. The Ministry focuses, inter alia, on equal opportunities for men and women, and provides assistance to job seekers re-entering the labour market. It introduced parental leave and improved conditions for childcare by both parents. Moreover, the Ministry of Labour and Social Affairs envisages a "report on the family" by 2004. A review of the existing labour code is also planned, and the needs of families with children with disabilities will be addressed.

35. The National Institute of the Child and the Family in Ecuador has undertaken actions in collaboration with relevant Ministries and non-governmental organizations to observe the anniversary. A Committee will be established soon for its observance.

36. In Egypt, preparations for the tenth anniversary are under way, under the direction of the Ministry of Social Affairs. A comprehensive programme of activities is envisaged with the collaboration of governmental and non-governmental organizations. The focus is to reinforce efforts to improve family well-being by strengthening local and national actions and to increase budgetary provisions for family programmes and projects. Governmental and non-governmental organizations organize meetings and seminars on diverse family issues such as social protection, the rights of children, the rights of women and poverty.

37. Finland aims to strengthen national family policies by 2004. More detailed plans or working groups for the preparation and observance of the tenth anniversary of the International Year of the Family have so far not yet been reported by the Government.

38. In Italy, under the direction of the Ministry of Labour and Social Policy, initiatives include the relaunching of the National Families Observatory (a network of municipalities and family associations) and the preparation of a white paper on welfare.

39. In Jordan, tenth anniversary preparations have included the creation of the National Council for the Family by Law No. 37 of 2002. The aim of the Council is to improve family well-being, with the focus on a comprehensive review of family issues.

40. Mauritius has prepared a national policy paper on family protection and welfare for the observance of the tenth anniversary, as well as education programmes for parents of children. It has set up a preparatory committee to undertake a nationwide sensitization campaign. It launched an educational and promotional campaign on the preservation and transmission of family norms, values and culture.

41. In Morocco, a National Charter on Family Policy has been elaborated within the context of preparations for the tenth anniversary. It includes principles and provisions to improve the well-being of Moroccan families by, for example, reinforcing the linkages between family well-being and sustainable development, promoting family strength, providing for family needs and strengthening partnerships in support of families.

42. In New Zealand, the Ministry of Social Development is responsible for tenth-anniversary activities. They will include a review of initiatives and projects on work and familial responsibilities; intra-familial support systems; families in poverty and marginal circumstances; family legislation; education, fertility and family planning; and individual family members.

43. The Department of Social Welfare and Development of the Philippines is currently evaluating the Plan of Action on the Philippine Family and plans to create a national coordination mechanism.

44. In Romania, the Ministry of Labour and Social Solidarity is the body responsible for family-policy development. It focuses, inter alia, on family legislation, access to employment and proper working conditions, the protection of paid leave for women and access to social protection. By the end of 2004, the State allowance for children will have increased.

45. The Bratislava International Centre for Family Studies, created by the Government of Slovakia on 1 December 1991, under the authority of the Ministry of Labour, Social Affairs and Family, is an expression of the Government's effort to pursue International Year of the Family objectives. In December 2001, the Government and the United Nations extended their memorandum of understanding for a second time, for another five years, to facilitate international cooperation in family research.

46. In the Sudan, the General Directorate for Women and Family Affairs within the Ministry of Welfare and Social Development is responsible for tenth-anniversary preparations. This has so far included a review of legislation concerning the rights of families and an assessment of strategies and mechanisms related to family affairs.

47. In Thailand, tenth-anniversary activities have been planned in collaboration with both governmental and non-governmental organizations. These include

community-based family well-being projects at the provincial and district levels. The National Commission on Family Development is responsible for family development processes and is chaired by the Prime Minister or the Deputy Prime Minister. Its members comprise heads of relevant governmental organizations, representatives of non-governmental organizations and experts. It sets guidelines for action plans in connection with the National Policy and Plan on Family Development, and coordinates, follows up and evaluates the implementation of the National Policy and Plan. Moreover, it established a committee on the preparations for the tenth anniversary of the International Year of the Family.

48. In Turkey, the Family Research Institute organizes education and public awareness programmes directed at family members. It organizes conferences and conducts family-centred research. In connection with the tenth anniversary, the Institute is planning to commission a research project on the structure of the Turkish family; integrate research on family issues; organize a competition on family-based research; and prepare an action plan concerning family issues.

IV. The role of non-governmental organizations

49. Non-governmental organizations are serving as a mobilizing and advocacy force and an essential link for mobilizing grass-roots support. Many international, regional and national non-governmental organizations are currently involved. In numerous countries they are playing a role in the activities of national coordination mechanisms.

50. Awareness campaigns conducted by non-governmental oranizations have been initiated to solicit the active participation of their affiliates at the regional, national and local levels. Among others, the International Federation of Red Cross and Red Crescent Societies, the World Movement of Mothers, the Institute for Traffic Care, the Baha'i International Community, the World's Young Women's Christian Association, Family Support America, the New York NGO Committee on the Family, the Vienna NGO Committee on the Family, the Union of Latvian Families, the Large Families Association and the Global Action Committee for the Elimination of Violence in the Family have strengthened their relationships with the Department of Economic and Social Affairs. Their outreach activities for the tenth anniversary include sponsoring meetings; fostering support at all levels; identifying priority concerns and new approaches to family policies and issues; and participating actively in the deliberations of intergovernmental bodies.

51. The Vienna NGO Committee on the Family, the New York NGO Committee on the Family and the Foundation for the Rights of the Family have undertaken meetings, organized forums, prepared statements and played a pivotal advocacy role within and outside the United Nations system. The United States-based National Council on Family Relations[3] plans to collaborate with the Department of Economic and Social Affairs on an expert group meeting and a publication covering issues pertaining to the tenth anniversary. The Institute for Traffic Care has communicated its intention to organize an expert group meeting in the Netherlands in 2003 to observe the tenth anniversary.

52. The Fourth United Nations Consultative Meeting of Regional and International NGOs on the Family[4] was held on 11 February 2002 in New York, in conjunction with the fortieth session of the Commission for Social Development (11-21 February

2002). The aim was to exchange views on joint cooperation with respect to the tenth anniversary. At the meeting it was agreed to prepare a study, under the chairmanship of the Vienna NGO Committee on the Family, on the positive contributions of civil society to the well-being of families since 1994. The study will be submitted to the General Assembly in 2004, at its fifth-ninth session.

53. From the foregoing, it is clear that numerous non-governmental organizations are both major actors and important partners of Governments and the United Nations system in this regard. Various non-governmental organizations have undertaken actions and held meetings to define their participation in the anniversary year. The area of research and study remains an essential element in the planning and programming of non-governmental organizations. Also, the information and communication networks of concerned non-governmental organizations have begun to focus on the objectives of the tenth anniversary.

V. Recommendations

54. Notwithstanding the progress made in preparing for the tenth anniversary, as recounted in this report, more concerted actions still need to be taken by numerous countries. It is essential to intensify efforts in all areas and at all levels in the remaining period of the preparatory phase, and to carry out an effective programme of observance. The following recommendations are considered essential measures for a successful observance of the anniversary:

(a) At the national level, it is crucial that preparatory measures be undertaken in countries where this has not yet been done. It is vital that countries set up national coordinating committees or similar mechanisms for the anniversary, or entrust responsibility to existing bodies for preparations and observance. In countries where preparatory measures are already under way, those measures should be intensified;

(b) All countries should set the end of 2003 as a target date for finalizing a programme for the observance of the anniversary;

(c) Specific and targeted steps should be taken to reach and involve the community and grass-roots organizations, as well as families themselves. Local initiatives, in particular, should be given support;

(d) The active participation of non-governmental organizations should be further encouraged and their efforts supported by substantive and technical support. In particular, full use should be made of their experience and grass-roots links to promote local and national participation and action. They should be fully involved as partners in the efforts of Governments and the United Nations system;

(e) Within the framework of preparations for and observance of the tenth anniversary, replenishing of the resources of the United Nations Trust Fund on Family Activities is needed to assist Governments in implementing International Year of the Family objectives;

(f) Research and academic institutions have a valuable role to play in the family-policy process at all levels. All actors should encourage their role in improving knowledge and information on families;

(g) In view of the wide range of activities undertaken by the United Nations system in the field of families, the need for coordination and cooperation is evident. Such inter-agency cooperation would generate a greater awareness of family issues among the governing bodies of many United Nations organizations.

Notes

[1] Research topics are the following: approaches to family policy development; technology and its impact on the family; statistics and indicators for family well-being; HIV/AIDS and its impact on families; retirement and its implications for families; family businesses and their importance for economic development; and social functions of families in the areas of socialization and care-giving. The current membership consists of universities in Austria, Canada, France, Malaysia, Morocco, Nigeria, the Philippines, Singapore, Slovakia, South Africa, the United States of America and Uruguay.

[2] The Department convened a consultative meeting on regional and global coordination in the promotion of social integration, held in New York from 1 to 5 October 2001. It was attended by representatives of the Economic Commission for Europe, the Economic Commission for Latin America and the Caribbean and the Economic and Social Commission for Western Asia. Also present were representatives of the Department of Public Information and the Regional Commissions New York Office. Points of agreement were adopted with a view to developing a focused approach to the preparation for and observance of the tenth anniversary of the International Year of the Family in 2004, such as (a) holding informal consultations at the regional level with representatives of relevant United Nations bodies and agencies and regional and non-governmental organizations; (b) exchanging information among focal points within each Regional Commission for the tenth anniversary; (c) utilizing the resources of the United Nations Trust Fund on Family Activities to support catalytic activities; and (d) preparing a joint analytical study on major regional trends affecting families.

[3] The National Council on Family Relations provides a forum for family researchers, educators and practitioners to share in the development and dissemination of knowledge about families and family relationships.

[4] The Meeting was attended by the New York NGO Committee on the Family, the Vienna NGO Committee on the Family, the International Federation for Family Development, the Focus on the Family (Canada) Association, Parents Forum, the Foundation for the Rights of the Family, the Baha'i International Community, and the Family Support Federation of Argentina.

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Question of enforced or involuntary disappearances

Report of the Secretary-General

Summary

In its resolution 55/103, on the question of enforced or involuntary disappearances, the General Assembly addressed requests to Governments, to the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights and to the Secretary-General, including a request to the Secretary-General to submit to it at its fifty-seventh session a report on the steps taken to implement the resolution. The present report is being submitted in accordance with that request.

In a note verbale dated 15 May 2002 the Secretary-General invited Governments to transmit any information pertaining to the implementation of resolution 55/103. As at 26 June 2002, replies had been received from the Governments of Argentina, Cuba and Guatemala. The replies are reproduced, as received, in the present report. Any additional replies will be compiled and submitted in addenda to the report.

In its report to the Commission on Human Rights at its fifty-eighth session, the Working Group highlighted developments in regard to two basic aspects of the situation of enforced and involuntary disappearances in the world: the practice of disappearance, which continues to occur in a number of countries, and the process of clarification of cases, especially those transmitted more than 10 years ago. The Group reiterated its appeal to Governments to cooperate with it and, in particular, to refrain from the practice of incommunicado detention and to release immediately all persons held in secret detention. The Group continued to remind Governments of

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their obligations under the Declaration on the Protection of All Persons from Enforced Disappearance, which are relevant not only for the clarification of individual cases, but also to prevent the occurrence of enforced disappearance. The Group recommended a number of preventive measures, including with regard to children, and it recommended that the Commission finalize the drafting of a legally binding normative instrument for protection from enforced disappearance.

In 2001, the Group completed a long process of reviewing its methods of work and presented the results to the Commission.

The Group expressed grave concern about its present limited financial resources and acute shortage of staff, and reiterated its appeal to the Commission to allocate the appropriate resources.

Finally the present report contains information on the activities undertaken by the Secretariat in compliance with the requests contained in resolution 55/103.

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I. Introduction

1. In its resolution 55/103, entitled "Question of enforced or involuntary disappearances", the General Assembly reaffirmed that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law. In the same resolution, the General Assembly addressed several requests to Governments to the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights and to the Secretary-General.

2. In that resolution, the General Assembly reminded Governments that impunity contributes to the perpetuation of this phenomenon and constitutes an obstacle to the elucidation of its manifestations, and that if allegations are confirmed perpetrators should be prosecuted. It encouraged States to provide concrete information on measures taken to give effect to the Declaration on the Protection of All Persons from Enforced Disappearance, as well as obstacles encountered.

3. The General Assembly requested all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages. It also expressed its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Group to visit their countries, requested them to give all necessary attention to its recommendations and invited them to inform it of any action they take on those recommendations.

4. Accordingly, in a note verbale dated 15 May 2002, the Secretary-General invited Governments to transmit relevant information on the subject. As at 26 June 2002, replies had been received from the Governments of Argentina, Cuba and Guatemala. The replies are reproduced, as received, in section II of the present report. Any additional replies will be compiled and submitted in addenda to the report.

5. Furthermore, in its resolution 55/103, the General Assembly recalled the importance of the Working Group on Enforced or Involuntary Disappearances and requested it to take into account the provisions of the Declaration and to modify its working methods, if necessary, and to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children.

6. Finally, in the same resolution, the General Assembly requested the Secretary-General to continue to provide the Working Group with all of the facilities it requires to perform its functions, to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration, and to submit to it at its fifty-seventh session a report on the steps taken to implement the resolution. The present report is being submitted to the General Assembly in accordance with that request.

II. Replies received from Governments

A. Argentina

[Original: Spanish]

7. In view of its experience in this area, the Republic of Argentina has been working to secure the support of international organizations on this question.

8. Argentina has been promoting the elaboration of an international instrument for the prevention and punishment of the enforced disappearance of persons.

Machinery for determining the fate of disappeared persons in the Republic of Argentina

National Commission on the Disappeared

9. Presidential Decree No. 187 of December 1983 established the National Commission on the Disappeared (CONADEP), composed of prominent individuals, which has made a recognized public commitment to uphold the basic values underlying all civilized coexistence.

10. The CONADEP Committee was charged with clarifying the facts surrounding the disappearance of persons in Argentina (article 1 of the Decree) and was accordingly assigned the following functions: to

receive depositions and evidence concerning those events and pass the information to the courts in those cases where crimes had been committed; to establish the fate or whereabouts of disappeared persons, as well as any other circumstance that might help to find them; to ascertain the location of children abducted from their parents or guardians, allegedly with the aim of combating terrorism; and to consult, wherever necessary, agencies and courts dealing with the protection of minors; to report to the authorities any intent to conceal, steal or destroy evidence related to the events to be clarified; and to produce a final report, including a detailed description of the facts of the case, within 180 days of the beginning of the investigation.

11. CONADEP handled 8,400 cases of disappeared or assassinated persons. Not all cases concerned just one individual: some concerned a group of individuals, collective actions, etc. CONADEP also conducted inspections of the so-called Clandestine Detention Centres. In September 1984 the Commission submitted its final report, entitled *Nunca Más* ("Never Again!"), with an Annex giving the names of all disappeared persons and all persons discovered in the clandestine centres, as well as the names of all the centres. The number of persons who were either "disappeared" or assassinated is estimated to exceed the number of complaints received by CONADEP because inter alia not all cases are reported and because the tactics of repression prevent many victims' relatives from submitting complaints. The Human Rights Secretariat (SDH), which has now assumed responsibility for handling CONADEP files, continues to receive reports of enforced disappearances.

12. The CONADEP report, and its title, became symbols of the Argentine people's right to know the truth. The report describes the State's policy of repression and its aberrant methods, which included kidnappings, torture, disappearances, assassinations, secret burials, abduction of children and the use of clandestine detention centres.

Right to the truth — the fate of the disappeared

13. When the *punto final* ("Full Stop") and *obediencia debida* ("Due Obedience") laws had been adopted and the pardons were granted, court cases were frozen and shelved. The possibility of gaining access to information about human rights violations and disappeared persons during the period of State terrorism was curtailed. However, for a number of very different reasons, certain information about the events did come into the public domain.

14. Relatives of the victims then demanded that an investigation be opened and that the Government take the necessary action to ensure access to any available information about what happened to loved ones who had either been killed or caused to disappear, and about their ultimate fate. Relatives also took their case into the international arena, specifically, to the Inter-American Commission on Human Rights.

15. After much debate as to the best way to answer their appeals, the State's response ultimately took a dual form, comprising the so-called truth trials, on the one hand, and the work of the Human Rights Secretariat, on the other.

Truth trials

16. The truth trials have been held throughout the country. The procedures used are broad and open in order to ensure that as much information as possible will be uncovered.

17. Around 3,670 cases of human rights violations or enforced disappearances that occurred during the period of State terrorism are presently being investigated in various truth trials being held at federal chambers and courts around the country.

18. The so-called truth trials operate in conformity with international human rights law. The action of the Inter-American Commission on Human Rights was in compliance with the obligation to implement the provision contained in its report No. 28/92, which recommends that: "The Inter-American Commission on Human Rights recommends that the Government adopt the measures necessary to clarify the facts and identify those responsible for the human rights violations that occurred during the past military dictatorship". With respect to the individual case opened in the enforced disappearance of Claudia Lapacó, the Government of Argentina and Carmen Aguilar de Lapacó reached an amicable settlement under which the Government agreed to take the necessary steps to ensure that National Courts of the federal criminal and corrections system throughout the country would be given exclusive jurisdiction to rule in truth trials.

19. The truth trials may be initiated either by the courts, under the ad hoc prosecutorial commission set

up by the Attorney General, or at the request of the interested party.

The task of the Human Rights Secretariat

20. The Human Rights Secretariat, which is now responsible for handling the CONADEP records and any other subsequent complaints, regularly supplies the "truth trials" with substantive information about enforced disappearances, assassinations and clandestine centres, as well as any other information related to the consequences of State terrorism. All such information is freely available to victims and their relatives.

21. Thanks to the Secretariat's work and based on information unavailable 25 years ago, it has been possible to identify additional clandestine detention centres.

22. To this we should add the Human Rights Secretariat's recent achievements regarding policies on reparations for relatives of disappeared persons (Act No. 24.411, article 1), relatives of persons killed as a result of State repression (Act No. 24.411, article 2) and relatives of illegally detained persons (Act No. 24.043).

23. The investigations of the truth trials and the work of the Secretariat are responsible for some of those achievements, including: identification of individuals through exhumation of mass graves or clandestine burial plots; identification of individuals whose death certificates have been issued; discovery of individuals buried in unmarked graves located in the course of court proceedings, the Court having ruled that they be issued death certificates; and identification of individuals about whom there was sufficient evidence of their death to warrant listing them as deceased on death certificates. (In many cases, a death certificate was issued even when the person's remains had not been found — for example because they were buried in unmarked graves in a section of the cemetery that had subsequently been landscaped or because orders were given to transfer them to the public ossuary, or simply relocated, without any notation to that effect in cemetery records.)

Digitalizing of files and records on State terrorism

24. The Human Rights Secretariat is in the process of digitalizing images from the CONADEP files, the CONADEP/SDH files (those created after CONADEP had been succeeded by SDH), the Supplementary Sources, the files of the Register of Disappeared and Deceased, and files related to the measures and laws on reparations. In the initial phase of the process, 800,000 double sheets of records will be converted to digital form. The ultimate goal is to create a comprehensive data system, combining and integrating the different sets of files together with current and future data, and to preserve information of historical importance in the existing files of the Human Rights Secretariat, converting the images into digital form and eliminating manual processing.

25. The system will incorporate a powerful search engine, similar to the Excalibur engine, which will make it possible to cross-reference data from all the various sources, based on names, circumstances, contexts, methods used, etc. The project is expected to take 180 days.

National Commission on the Right to An Identity

26. The National Commission on the Right to An Identity (CONADI) replaces Regulation No. 1.328/92 of the Secretariat for Human and Social Rights in the Ministry of the Interior, which created a technical committee charged with coordinating the search for disappeared children having a known identity and those born to women in detention. The Commission is also responsible for ensuring compliance with the commitments made by the State where it ratified the section of the Convention on the Rights of the Child on the right to an identity.

27. Subsequently, resolution No. 1392/98 of the Ministry of the Interior created CONADI, which had the same functions and retained the same composition as its predecessor: two representatives of the Public Prosecutor's Office, one from the Attorney General's Office, two representatives from the *Asociación Abuelas de Plaza de Mayo*, and two representatives of the Executive Branch (*Poder Ejecutivo Nacional*) (at the suggestion of the Human Rights Secretariat). The Commission is chaired by a member of the Human Rights Secretariat.

28. CONADI's general objective is to ensure compliance with the Convention on the Rights of the Child, especially the provisions contained in its articles 7 and 8.

29. The Commission's specific goals are as follows: to intervene in cases of young people who apply on

their own to investigate and follow up unreported cases of disappeared pregnant women; to intervene in cases of the trafficking of minors; to intervene in cases where personal details are incomplete, due to State terrorism; to provide legal advice in cases of damaged identity; to handle and investigate complaints; to give advice in legislative matters at the request of the Executive Branch or of national or provincial courts; to promote awareness of the right to identity, through seminars, courses, workshops, TV and radio spots, the written media and the Internet; to answer requests from legal or other State offices regarding the kidnapping of minors; and to supply tests for the National Genetic Database.

B. Cuba

[Original: Spanish]

30. It is the view of Cuba that the issue of enforced or involuntary disappearances must be addressed in the context of all its related aspects, through actions and measures designed to ensure that such horrific crimes are not repeated anywhere else. Cuba therefore supports efforts to draft an integrated and comprehensive international convention on this matter. However, this will be possible only provided the focus combines the prevention and education aspects, the question of judicial responsibility and the resolute imposition of penalties.

31. Another extremely important aspect to be taken into consideration is the need to link present and future actions with the fight against impunity for those responsible for such actions in the past.

32. It should be noted that in some countries, the practice of enforced and involuntary disappearances has recently become a sort of institutional policy. The subsequent failure by those countries to take the concrete actions and measures necessary to ensure due enforcement of the law, and, in some cases, the adoption by those countries of laws guaranteeing impunity for those responsible for such crimes, merits unreserved condemnation and urgent and concrete action on the part of the international community.

33. Many relatives of victims of enforced or involuntary disappearances are demanding justice. Many do not even know the whereabouts of their loved ones.

34. Among the most glaring and egregious examples of the criminal brutality that characterizes the systematic practice of enforced or involuntary disappearances is the experience of the Latin American region during the bloody military dictatorships that came to power during the 1960s and 1970s and, in certain cases, even up to the 1980s. These dictatorships pursued preconceived plans, which were directed and supported in various ways by the Government of the United States of America, which sought to halt the advance of democratic and progressive ideas in the region.

35. Even the training of the "human capital" responsible for the gross and flagrant violations of human rights that occurred during the region's era of military dictatorships was carried out by the United States, and especially by the notorious School of the Americas.

36. Over the years, the officers corps of a group of primarily Latin American countries were trained in the so-called School of the Americas, which was the leading military installation run by the United States, first in the Panama Canal zone and later in the United States itself. The graduates constituted the foundation for the dictatorships imposed in the various countries.

37. The textbooks and practical demonstration classes provided by the School of the Americas offered training, guidance and encouragement for the worst and most aberrant forms of human rights violations and for the nascent Latin American military dictatorships, in particular during the 1970s.

38. It was on this premise that torture, political assassinations, abductions and enforced and involuntary disappearances were practised on a systematic basis, in order to repress popular movements and democratic political opposition movements.

39. The United States provided funding, as well as technical and material assistance, for that repression. Advice and logistical support provided by the United States enabled the various regional intelligence services to coordinate their efforts, thus facilitating the exchange of information and prisoners, and even joint assassinations.

40. Incontrovertible evidence of this sinister cooperation led by the United States, is the so-called Operation Condor, which was nothing more than a plot

by various security services in Latin America — including Argentina, Uruguay, Chile and Paraguay — to exchange information and work together to persecute elements regarded as subversive. This joint repressive action enabled intelligence agents and the armed forces of participating countries to move about freely in the territory of other States to abduct or kill their citizens or to cause their "disappearance".

41. These practices, which would certainly qualify as State terrorism, resulted in thousands of cases of people who were either killed, tortured or made to "disappear". Most of these cases remain unresolved, and those responsible have yet to be brought to justice.

42. The end of military dictatorships in Latin America and the transition to so-called representative democracy in most countries of the region has not succeeded in eradicating rooted practices involving violation of the human rights of individuals or peoples, either because these countries have adopted laws encouraging impunity or because they have pardoned or granted amnesty to those responsible for the most serious crimes.

43. The laws and provisions adopted by the different Latin American Governments that came to power after the end of the "military juntas" and de facto governments, such as the "Full Stop" and "Due Obedience" laws, or the Presidential Decrees of Pardon approved in Argentina, as well as the Amnesty Laws passed in Uruguay and Chile, have helped legitimize impunity in those countries.

44. To allow those responsible for such acts to go untried and unpunished is to tolerate and to leave intact the structures and attitudes that make such crimes possible and, essentially, to avoid responsibility for protecting the basic values underlying community life and the most basic of human rights, the right to life. Indeed, impunity even encourages a reversion to practices and prevents truth and justice from prevailing.

45. Cuba wishes to reiterate how important it is that those responsible for enforced or involuntary disappearances do not benefit from amnesty, a time-limit, a statute of limitations, a pardon or any other similar law or measure that might have the effect of exempting them from prosecution or a penalty.

46. The obligation to demand accountability for these human rights violations is one of the essential elements of any effective reparation for victims of such violations and a key factor not only in the prevention of further acts of this nature, but also in the creation of an equitable legal system and, ultimately, reconciliation and stability at both the national and international levels. The obligation to promote and protect human rights entails the obligation to punish and make reparation for the offence and the damage caused by violations of those rights.

47. Cuba therefore wishes to state once more that it is vital for countries that have a large number of cases pending before the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to make constant and effective efforts to determine the fate of disappeared persons, including cases of hundreds of minors abducted with their parents or born during detention of their mothers in clandestine detention centres, and also how vital it is that perpetrators of such crimes be tried and punished accordingly.

48. With regard to the drafting of an international convention on this matter, Cuba believes that enforced and involuntary disappearances must be typified in that instrument as crimes against humanity thus establishing the inadmissibility of such crimes. The instrument must also declare null and void any previously adopted ruling abetting impunity or amnesty for perpetrators of such crimes.

49. The future convention must include, among the factors determining responsibility for enforced and involuntary disappearances in any part of the world, the foreign-policy actions of a State, whenever such actions have served, whether openly or covertly, to sponsor, encourage, protect, fund or train authorities responsible for enforced and involuntary disappearances in another State or other States.

C. Guatemala

[Original: Spanish]

Actions to prevent and penalize the practice of disappearances

50. As a result of the armed conflict that afflicted Guatemala for more than three decades, the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights received reports of a large number of enforced or involuntary

disappearances. Guatemala, the State, was requested by the Working Group to conduct the necessary investigations and searches for the disappeared persons. A specialized unit of the Presidential Human Rights Committee was charged with the task and has for a number of years been providing the Working Group with information about persons who have been tracked down.

51. In cases where investigations have been conducted without the related documents, it has been difficult to obtain information about disappeared persons. This is because it is often hard to recognize clues that might reveal the whereabouts of persons included in the lists of the Working Group. Despite these limitations, satisfactory results appear to have been achieved, while they may be insufficient compared with the number of cases reported. To date there is documentary evidence regarding 419 persons, 383 of whom were found to be alive and 36 deceased.

52. The causes of death of those 36 persons were as follows: unknown causes: 3; presumed dead: 7; intoxication: 1; natural causes: 21; firearm: 1; traffic accident: 1; deadly weapon: 2.

53. The 419 cases reported to the Working Group by the State of Guatemala may be broken down as follows: cases accepted by the Working Group as resolved: 198; cases not accepted (for lack of information): 82; cases still not reviewed by the Working Group: 136; cases with insufficient information: 3. With respect to the 198 cases accepted by the Working Group only one individual was found to be deceased. All the others have been found alive.

54. Between 1995 and 13 March 2000, Guatemala submitted 12 reports to the Working Group, demonstrating its desire to cooperate with the Working Group and to shed light on the atrocities of the past.

55. On 25 February 2000, Guatemala ratified the Inter-American Convention on Enforced Disappearance of Persons of the Organization of American States (OAS). In doing so, Guatemala demonstrated to States members of the OAS, and to the world in general, the commitment it has made to the international community to respect the human rights of all persons and to search for those who so tragically became victims of violence during the internal conflict, as well as to refrain from instituting such human rights violations.

Actions on behalf of disappeared children

56. Since May 1990, the Ministry of Public Health and Social Welfare, through the Mental Health League, has been investigating cases of the disappearance of children (whether enforced or due to other causes) during the internal armed conflict.

57. One of the League's most important actions is the programme *Todos por el Reencuentro* ("United for Reunion"), which works to locate, track down and reunite with their families children who disappeared during Guatemala's internal armed conflict. Due to the complex and broad nature of the phenomenon of disappearance, the *Todos por el Reencuentro* programme is designed to last for a period of 10 years.

58. Geographically, the programme will cover at least 100 of the Republic of Guatemala's 331 municipalities. It directly benefits relatives of children who have disappeared. Many are from rural areas, where families average five members and are mostly from the Maya ethnic group or the mixed-race population.

59. Around 155 cases of disappearance have been documented. Those cases have been followed up through research and investigation; psychosocial follow-up care has also been provided for relatives seeking information about their children. The *Todos por el Reencuentro* programme had organized three family reunions as of the end of 2001. A further 10 disappeared children had been located and expected to be reunited with their families in the near future.

60. The programme is being funded by the United Nations Children's Fund, the United Nations Development Programme and the Save the Children Fund (Sweden and Norway).

61. Eighty-three per cent of disappearances occurred in the towns of Ixcan, Chapul, Nebaj, Uspántan and Chicamán, all of which are in Quiché Province. The remaining reports referred to disappearances in Cobán and Chisec (Alta Verapaz); San Martín Jilotepeque (Chimaltenango); and Barillas (Huehuetenango).

Visit of the United Nations Special Representative on children and armed conflict

62. In January this year, Olara Otunnu, United Nations Secretary-General Kofi Annan's Special Representative on children and armed conflict, visited Guatemala to assess progress made since the end of the

internal armed conflict in 1996 and the impact of that conflict on the situation of children and youth.

63. Mr. Otunnu recommended that the Government create a national commission to determine the whereabouts of hundreds of children who disappeared during the internal armed conflict. This was one of the requests made by human rights organizations. He also asked the president of the Congress of the Republic of Guatemala to work on behalf of children affected by the armed conflict.

64. One of the commitments assumed by the Government following the Special Representative's visit is to establish a national commission to locate children who disappeared during the armed conflict. The commission will be made up of governmental and non-governmental organizations, and is being set up in accordance with one of the recommendations of the Historical Clarification Commission created under the Peace Agreements.

Dissemination of the text of the Declaration on the Protection of All Persons from Enforced Disappearance at the national level

65. In accordance with the request of the Secretary-General of the United Nations (para. 7 of resolution 55/103), the Government of Guatemala, through the Presidential Human Rights Committee, has planned coordinated actions to publicize the content of the Declaration, and notably the following: the Government will disseminate the content of resolution 55/103 on enforced or involuntary disappearances, through the departmental advisory committees that constitute the official forums for dialogue between local authorities and NGOs working in various parts of the country. It will disseminate information about resolution 55/103 through local and community radio stations and use other, alternative means of communication with a view to increasing and broadening coverage. It will implement the measures necessary to disseminate the Declaration, through the official national radio network, the *Diario de Centroamérica* newspaper, the *Diario Electrónico* ("Online Journal") and the online newspaper of the Presidential Secretariat for Social Communication.

III. Activities of the Working Group on Enforced or Involuntary Disappearances in 2001[1]

66. The Working Group continued to highlight further developments regarding two basic aspects of the situation of enforced or involuntary disappearance in the world. The first related to the practice of disappearance, which continues to occur in a number of countries. However, in recent years, there has been a decline in the number of disappearances reported to the Group. The second basic aspect related to the process of clarification of cases, especially those that were transmitted more than 10 years ago. During 2001, the Working Group clarified a total of 4,419 cases — the largest number that it has clarified in its 20 years of existence — the vast majority of which (4,390) related to cases in Sri Lanka. the process that led to these clarifications was initiated by the Working group during its three field missions in the 1990s, and constituted a concerted effort by the Government, the families of the disappeared persons, a consortium of non-governmental organizations and the Working Group. It reflects a new approach adopted by the Working Group. Referring also to other positive examples of past cooperation with Governments, such as those of Brazil and Mexico, it invited other Governments to follow those examples.

67. With regard to events that occurred more than 10 years ago, the Working Group expressed concern that the vast majority of the cases that it had clarified involved persons presumed dead. Of the 7,921 cases that it had clarified since the beginning of its activities in 1980, only 2,398 persons were still alive, a very small number relative to the total of 41,859 outstanding cases in its files. The Working Group therefore reiterated its appeal to all Governments concerned to cooperate with it and, in particular, to refrain from incommunicado detention and to release immediately all persons held in secret detention.

68. The Working Group continued to remind Governments of their obligations under the Declaration on the Protection of All Persons from Enforced Disappearance, relevant not only for the clarification of cases, but also to prevent the occurrence of enforced disappearance. It reiterated that its ultimate goal is the eradication of the phenomenon through the adoption of preventive measures, as provided for in the Declaration, in the Inter-American Convention on

Forced Disappearance of Persons of 1994 and in the draft international convention for the protection of all persons from forced disappearance. In this regard, the Working Group recommended the adoption of several preventive measures, including for the prevention and suppression of the abduction of children whose parents had been subjected to enforced disappearance and of children born during their mother's enforced disappearance. It also recommended that efforts be made to establish the identity of such children and return them to their families of origin.

69. Impunity is a root cause of enforced disappearance and a major obstacle to clarifying past cases. Hence, the Declaration obliges States to make all acts of enforced disappearance offences under domestic criminal law; to promptly, thoroughly and impartially investigate any allegation of enforced disappearance and to bring perpetrators to justice; to guarantee their trial only by competent ordinary courts and not by any other special tribunal, in particular military courts; and to exempt the criminal offence from statutes of limitations, special amnesty laws and similar measures that might exempt them from any criminal proceedings or sanction. The Working Group recommended that the Commission on Human Rights finalize, without further delay, the process of drafting a "legally binding normative instrument for the protection of all persons from enforced disappearance", as decided in the Commission's resolution 2001/46.

70. In 2001, the Working Group completed a long process of reviewing its methods of work, during the course of which it held a number of meetings with non-governmental organizations. The methods of work, as revised on 14 November 2001, are presented in annex I to its report to the Commission on Human Rights at its fifty-eighth session (E/CN.4/2002/79).

71. Finally, in its report to the Commission, the Working Group expressed grave concern about its inability, with the present limited financial resources and acute shortage of staff, to carry out the mandate assigned to it by the Commission and to fulfil its obligations. It reiterated its appeal to the Commission to meet the needs of the secretariat by allocating the appropriate resources, without which it would have difficulty implementing the various tasks assigned to it in the future. The Group once again expressed its deep appreciation to its secretariat for its dedication in the pursuance of the difficult tasks it had carried out in spite of the situation described above.

IV. Activities undertaken by the Secretariat

72. In conformity with resolution 55/103, the Department of Public Information of the United Nations Secretariat has undertaken several activities, including the distribution of the full text of the Declaration on the Protection of All Persons from Enforced Disappearance, published by the former Centre for Human Rights of the Secretariat.[2] The text continues to be distributed, through United Nations information centres, to United Nations peacekeeping offices and specialized agencies.

73. In addition, the Department's Public Liaison Service at Headquarters makes the Declaration available to the general public and educational institutes, upon request. The text of the Declaration is also available on the United Nations web site (www.un.org), under General Assembly resolutions.

74. In the field, reference libraries of the Department's network of information centres and information services, as well as other United Nations offices, have copies of publications containing the Declaration for use by interested academicians, researchers and students. Copies are also distributed to media and non-governmental organizations and at special events, such as the annual celebration of Human Rights Day and activities to mark the anniversary of the Universal Declaration of Human Rights.

75. In 2001, the Department of Public Information prepared a background press release for the Working Group on Enforced or Involuntary Disappearances at the end of its annual session at Headquarters. Every opportunity is used to promote the elements of the Declaration in United Nations and human rights-related briefings and events at New York Headquarters, at Geneva and throughout the network of United Nations information centres and services.

76. The Declaration is also actively distributed by the Office of the United Nations High Commissioner for Human Rights, through its field offices, to local non-governmental organizations and other interested parties, and is provided as background material for training projects on the administration of justice that are being developed within the framework of its advisory services, technical assistance and information programme.

V. Conclusions and recommendations

77. Referring to positive examples of past cooperation with Governments, such as those of Brazil and Mexico, in clarifying cases, the Working Group invited other Governments, particularly those of countries with a high number of outstanding cases, to follow those examples.

78. With regard to events that occurred more than 10 years ago, the Group expressed concern that the vast majority of cases that it had been able to clarify involved persons who were presumed dead. It reiterated its appeal to all Governments concerned to cooperate with it and, in particular, to refrain from incommunicado detention and to release immediately all persons held in secret detention.

79. Reiterating that its ultimate goal is the eradication of the phenomenon through the adoption of appropriate preventive measures, as provided for in the Declaration on the Protection of All Persons from Enforced Disappearance, in the Inter-American Convention on Forced Disappearance of Persons of 1994 and in the draft international convention for the protection of all persons from forced disappearance, the Working Group recommended the adoption of several preventive measures, including for the prevention and suppression of the abduction of children whose parents had been subjected to enforced disappearance and of children born during their mother's enforced disappearance. It also recommended that efforts be made to establish the identity of such children and return them to their families of origin.

80. The Working Group underlined the legal and judicial obligations of States under the Declaration. It recommended that the Commission on Human Rights finalize, without further delay, the process of drafting a legally binding normative instrument for the protection of all persons from enforced disappearance.

81. The Working Group once again expressed its sincere appreciation to the secretariat for its dedication in the pursuance of the difficult tasks it has to undertake, but also expressed grave concern about its inability, with the present limited financial resources and acute shortage of staff, to carry out the mandate assigned to it by the Commission and to fulfil it obligations. Pointing out that in recent years its secretariat staff has been dramatically reduced, it reiterated its appeal to the Commission to meet the needs of the secretariat by allocating the appropriate resources.

Notes

[1] See the Working Group's Report to the Commission on Human Rights at its fifty-eighth session (E/CN.4/2002/79).

[2] See Fact Sheet No. 6 (Rev.2).